

ENTERED

January 12, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:14-CR-599-2
	§	
JOSHUA MANUEL KRENSHOW OLIVO	§	

ORDER

Pending before the Court are Defendant/Movant Joshua Olivo's Pro Se Motion for Modification and/or Reduction of Sentence pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guidelines Amendment 782 (D.E. 44) and letter motion for documents at government expense (D.E. 45).

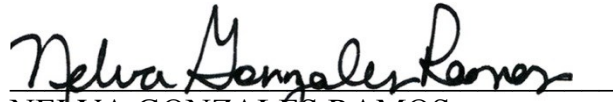
Olivo pled guilty to conspiracy to possess with intent to distribute 970.4 grams of cocaine and was sentenced to 30 months' imprisonment. D.E. 41. His sentence was computed using the 2014 Sentencing Guidelines Manual. D.E. 33, ¶ 11. Because the computations used to determine Olivo's sentencing guideline range were those included in Amendment 782, he is not entitled to a reduction in his sentence.

Olivo also requests a copy of his sentencing hearing transcript and docket sheet at government expense, but he does not indicate why he needs these documents. Assuming that Olivo can establish that he is indigent, an indigent defendant has a statutory right to free court documents only when he can establish that the documents are necessary to decide an issue in a pending suit and that the suit is not frivolous. *See* 28 U.S.C. § 753(f); *see also United States v. Herrera*, 474 F.2d 1049, 1049–50 (5th Cir. 1973) ("This Court has consistently held that a federal prisoner is not entitled to obtain copies of court

records at the government's expense to search for possible defects merely because he is indigent.”). Because Olivo has nothing pending in addition to his § 3582 motion—which this Order denies—the Court is not authorized to grant his request.

For the foregoing reasons, Olivo's Pro Se Motion for Modification and/or Reduction of Sentence pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guidelines Amendment 782 (D.E. 44) is **DENIED**. His letter motion for documents at government expense (D.E. 45) is **GRANTED in part and DENIED in part**. The Court instructs the Clerk to send Olivo a copy of his docket sheet and instructions regarding how to purchase a copy of his sentencing transcript should he wish to do so.

ORDERED this 12th day of January, 2016.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE